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7
8 UNITED STATES BANKRUPTCY COURT
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10 CENTRAL DISTRICT OF CALIFORNIA

11 In re:
12 DAVID ALLEN WILSON,
13 Debtor.
14

Case No. 8:23-bk-10094-SC
Chapter 7

**STIPULATION TO CONTINUE
HEARING ON MOTION TO AVOID
LIEN UNDER 11 U.S.C. §522(f)**

Hearing
Date: March 12, 2024
Time: 11:00 a.m.
Place: Courtroom 5C
411 W. Fourth Street
Santa Ana, CA 92701

STIPULATION

Creditors Thomas I. McKnew and Lisa A. McKnew (collectively, "Creditors") and debtor David Wilson ("Debtor") enter into this Stipulation with reference to the following facts:

A. On June 28, 2023, Debtor filed his *Motion to Avoid Lien Under 11 U.S.C. §522(f)* (the “Motion”). [Docket No. 62].

B. The Motion pertains to Creditors' judgment lien encumbering the real property located at 24352 Santa Clara Avenue, Dana Point, California 92629 (the "Property").

C. Creditors opposed the Motion. [Docket No. 71].

D. On September 20, 2023, the Court entered its *Order Granting Relief from Stay, Sua Sponte, and Continuing Hearing* (the “Order”). [Docket No. 79].

E. The Order provides for Judge Kwan to make certain determinations bearing on the Motion.

F. The Order schedules a hearing on the Motion for March 12, 2024.

G. In addition to Creditors' judgment lien, the Property is encumbered by a deed of trust in favor of JPMorgan Chase Bank, N.A. ("Chase Bank").

H. Chase Bank's deed of trust is senior to Creditors' judgment lien.

I. Chase Bank has initiated foreclosure of the Property.

J. Chase Bank is likely to soon complete its foreclosure sale of the Property.

K. If Chase Bank completes its foreclosure sale, the Motion will be moot because liens junior to Chase Bank's deed of trust will be eliminated from the Property.

Creditors and Debtor hereby agree as follows:

1. The hearing on the Motion should be continued from March 12, 2024 to May 14, 2024 at 10:00 a.m., or the soonest time thereafter convenient to the Court.

2. Debtor may file supplemental pleadings by no later than April 20, 2024.

III

1 3. Creditors may file a supplemental opposition by no later than April 30, 2024, to
2 which Debtor may reply by no later than May 7, 2024.
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SO STIPULATED:

6 Dated: February 27, 2024
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WALLIN & RUSSELL LLP

9 By _____
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MICHAEL WALLIN

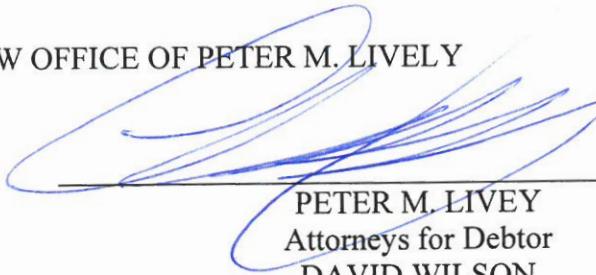
Attorneys for Creditors

THOMAS I. MCKNEW and LISA A. MCKNEW
11
12

Dated: February 27, 2024
13
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LAW OFFICE OF PETER M. LIVEY

15 By _____
16



PETER M. LIVEY
17 Attorneys for Debtor
18 DAVID WILSON
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
26000 TOWNE CENTRE DRIVE, SUITE 130, FOOTHILL RANCH, CA 92610

A true and correct copy of the foregoing document entitled (*specify*): STIPULATION TO CONTINUE HEARING ON MOTION TO AVOID LIEN

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 02/27/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 02/27/2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

02/27/2024
Date

Michael Wallin
Printed Name

/s/ Michael Wallin
Signature

SERVED VIA NOTICE OF ELECTRONIC FILING:

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